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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/573,137	09/18/2006	Wataru Ikeda	50478-0700	6947

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EXAMINER

DAZENSKI, MARC A

ART UNIT	PAPER NUMBER
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2621

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/573,137	Applicant(s) IKEDA ET AL.	
	Examiner MARC DAZENSKI	Art Unit 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 March 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>3-22-06, 6-25-07, 7-20-07, 2-15-08, 5-19-08, 5-30-</u> | 6) <input type="checkbox"/> Other: _____ |
| <u>08, 8-12-08, 11-03-08, 1-16-09.</u> | |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Tsumagari et al (US PgPub 2003/0161615), hereinafter referred to as Tsumagari.

Regarding **claim 1**, Tsumagari discloses an enhanced navigation system using digital information medium. Further, Tsumagari discloses DVD Video player (100) which plays DVD Video contents (10) as well as enhanced navigation (“ENAV”) contents (30), which reads on the claimed, “a playback apparatus that performs title playback and application execution,” as disclosed at paragraph [0059] and exhibited in figure 1; the apparatus comprising:

DVD Video playback engine 200 which plays back DVD Video contents (10), which reads on the claimed, “a playback control engine unit operable to play a digital stream that belongs to one of a plurality of titles,” as disclosed at paragraph [0089];

DVD Video playback controller (220) which can output a control signal indicating the playback condition of DVD video contents (10) in regards to a given event such as

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title jump, which reads on the claimed, “a module manager operable to control branching between the plurality of titles,” as disclosed at paragraph [0091];

ENAV engine (300) which comprises ENAV interpreter (330) which parses and interprets playback control information contained in ENAV contents (30), which reads on the claimed, “a module operable to execute one or more applications,” as disclosed at paragraph [0113];

wherein ENAV engine (300) comprises user event controller (310), information processor (320) that executes ENAV commands, and ENAV interpreter (330), all of which can be implemented by a microcomputer which serves functions of respective blocks based on an embedded program as well as the function of DVD player (100) can be implemented by software, which reads on the claimed, “wherein the module includes a virtual machine unit and an application manager,” as disclosed at paragraphs [0085], [0133], and [0366];

DVD video playback engine (200) starts playback of chapter n (initially $n=1$) in a given VTS, ENAV interpreter (330) plays back ENAV content m, DVD video playback engine (200) reads chapter number n whose playback is now underway, ENAV interpreter (330) checks is the ENAV playback information which is being executed includes a script of ENAV content “m+1”, and DVD video playback engine (200) continues (ST234) through (ST240) until playback of chapter n comes to an end, and upon completion begins to play back next chapter n+1, which reads on the claimed, “when a status of the one or more applications changes to a predetermined status, the application manager interprets the predetermined status as title execution having

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ended, and performs processing to terminate the one or more applications, and after the title execution has ended, the module manager selects a predetermined one of the titles,” as disclosed at paragraphs [0267] - [0268], [0273], [0275], and [0277] and exhibited in figure 23.

Regarding **claim 2**, Tsumagari discloses everything claimed as applied above (see claim 1). Further, the limitations of the claim are rejected in view of the explanation set forth in claim 1 above.

Regarding **claim 3**, Tsumagari discloses everything claimed as applied above (see claim 1). Further, Tsumagari discloses DVD video playback engine (200) initially starts playback of chapter n in a given VTS, and then upon completion of playback of chapter 1, starts the playback of chapter 2, and then checks a corresponding ENAV event to determine whether to playback an ENAV content, which reads on the claimed, “wherein one of the applications is a main application that is an only application that is automatically run simultaneously with a start of the title execution, and the predetermined status is that, of the applications, the main application has terminated,” as disclosed at paragraphs [0243]-[0250].

Regarding **claim 4**, Tsumagari discloses everything claimed as applied above (see claim 2). Further, Tsumagari discloses execution of a menu call is set as a post-command at the end of a given title and DVD video playback engine (200) executes menu call at the end of playback of that title, which reads on the claimed, “wherein the predetermined title selected by the module manager is a top menu title for executing display control of a top menu,” as disclosed at paragraph [0151].

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Regarding **claim 5**, Tsumagari discloses everything claimed as applied above (see claim 1). Further, Tsumagari discloses each title comprises playback control information, which reads on the claimed, "wherein recorded on the recording medium is specification information that specifies a playback path according to which playback is to be automatically started upon a corresponding title starting," as disclosed at paragraph [0063];

the DVD video playback engine outputs a PTT event with a chapter number as a DVD event at the beginning of each chapter, and the ENAV engine begins to play back corresponding ENAV contents, as well as DVD video playback engine (200) starts playback of chapter n in a given VTS recorded on the DVD, which reads on the claimed, "upon the title starting, the module instructs the virtual machine to run one of the applications, and instructs the playback control engine unit to start playback of the digital stream in accordance with the playback path specified by the specification information," as disclosed at paragraphs [0238] and [0243]; and,

ENAV contents (30) change in combination, connection, or synchronism with a change in playback condition of DVD video contents (10), which reads on the claimed, "when application execution by the virtual machine has terminated, the playback control engine unit continues playback of the digital stream in accordance with the playback path," as disclosed at paragraph [0254] and exhibited in figure 22.

Regarding **claim 6**, Tsumagari discloses an enhanced navigation system using digital information medium. Further, Tsumagari discloses the function of DVD player (100) can be implemented by software, which reads on the claimed, "a program that

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causes a computer to simultaneously perform playback of a title and execution of an application,” as disclosed at paragraph [0366]; and,

further, the remaining limitations of the claim are rejected in view of the explanation set forth in claim 1 above.

Regarding **claim 7**, the limitations of the claim are rejected in view of the explanation set forth in claims 1 and 6 above.

Regarding **claim 8**, Tsumagari discloses everything claimed as applied above (see claim 3). Further, the limitations of the claim are rejected in view of the explanation set forth in claim 4 above.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARC DAZENSKI whose telephone number is (571)270-5577. The examiner can normally be reached on M-F, 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on (571)272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Marsha D. Banks-Harold/
Supervisory Patent Examiner, Art Unit 2621

/MARC DAZENSKI/
Examiner, Art Unit 2621